UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,432	03/26/2004	Cornelius van Rensburg	2003.11.007.WS0	1482

23990 7590 11/21/2008

DOCKET CLERK
P.O. DRAWER 800889
DALLAS, TX 75380

EXAMINER	
SAMS, MATTHEW C	
ART UNIT	PAPER NUMBER
2617	
MAIL DATE	DELIVERY MODE
11/21/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Arguments

1. Applicant's arguments filed 11/4/2008 have been fully considered but they are not persuasive.

2. In response to the applicant's argument that Scherzer does not teach "a beam width set as a function of said differential pilot strength and said differential power control" (Page 13) and that a "predetermined threshold is not a function of said differential pilot strength and said differential power control" (Page 14), the examiner respectfully disagrees.

The claim states a "function", yet the "function" is not defined within the claim, therefore the examiner is proving that the differential pilot strength and a differential power are used to set a beam width.

Although the applicant has argued that the "predetermined threshold is not a function of said differential pilot strength and said differential power control", Scherzer teaches the "preselected threshold value" is the measuring stick used for comparison between the "difference between the more aggressive beam configuration channel characteristic information and the less aggressive beam configuration channel characteristic information" (Page 9 [0077]) in order to determine if one beam configuration (defined as the antenna beam lobe width, length (*i.e.* power level) and/or direction Page 2 [0013]) adds enough of an improvement over the current configuration to be implemented. Scherzer teaches the beam configuration channel characteristic information includes pilot channel measurements (Page 9 [0077]) and traffic channel measurements (Page 9 [0077]), which includes transmit power level control in order to

know whether to increase or decrease the transmit power. (Page 6 [0053] "transmit power" & Page 9 [0076] "power level") Further, the differential power control is anticipated by the "difference between the more aggressive beam configuration" and the "less aggressive beam configuration" which have two different power levels. (Page 7 [0061] & Page 9 [0076]) Finally, in order to determine if a "phase mismatch exists between the pilot channel and the traffic channel", the change between the previous values (of the pilot & traffic channel) and the current values (of the pilot & traffic channel) must be calculated, respectively, and compared to determine if they are in phase (changing in the same direction) or out of phase (changing in different directions).

MCS
11/12/2008